REMARKS

This is a full and timely response to the outstanding Office action mailed on October 4, 2007. Reconsideration and allowance of the application and presently pending claims 1-9 and 11-12 are respectfully requested.

Present Status of the Application

It has been noted that Applicants' previous arguments with respect to claims 1, 3, and 8 have been considered but are deemed moot in view of the new ground of rejection.

Claim 1 has been rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Harrer (USPN 6,091,304, hereinafter "Harrer") in view of Lansford et al. (USPN 6,163,568, hereinafter "Lansford") and further in view of Weiss (USPN 5,629,652, hereinafter "Weiss"). Claims 2 and 11 have been rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Harrer in view of Lansford and further in view of Suto (USPAP 2003/0052744, hereinafter "Suto") and Weiss. Claims 3-9 have been rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Harrer in view of Lansford and further in view of Suto, Joshi et al. (USPN 5,650,754, hereinafter "Joshi"), Bomba (USPN 3,962,640, hereinafter "Bomba"), and Weiss. On the other hand, claims 10 and 12-13 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In response thereto, Applicants have amended independent claims 1, 3 and 8 to more clearly distinguish the present invention from the prior art of references. Specifically, claims 1 and 8 have been revised by incorporating all the novel features recited in the allowable claim 10 thereinto, while claim 3 has been amended by introducing the limitations contained in the patentable claim 13 thereinto. Claims 10 and 13 have been canceled correspondingly.

Applicants, by the amendments presented above, have made a *bona fide* effort to present claims which clearly define the present invention over the prior art of record, and thus the subject application is placed in condition for allowance. Reconsideration of the

present application, as currently amended, is earnestly requested upon entry of the proposed amendments.

Discussion of Office Action Rejections under 35 U.S.C. 103

Claim 1 has been rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Harrer in view of Lansford and further in view of Weiss. Claims 2 and 11 have been rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Harrer in view of Lansford and further in view of Suto and Weiss. Claims 3-9 have been rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Harrer in view of Lansford and further in view of Suto, Joshi, Bomba, and Weiss. Applicants otherwise traverse the aforesaid rejections because a *prima facie* case of obviousness has not yet been established by the Office action.

When the references cited by the examiner fail to establish a *prima facie* case of obviousness, the rejection is improper and will be overturned. *In re Deuel*, 51 F.3d 1552, 34 USPQ2d 1210, 1214 (Fed. Cir. 1995)

In reply to the 103 prior art rejections, Applicants have amended claims 1 and 8 by incorporating the features of the allowable claim 10 thereinto. Moreover, Applicants have amended claim 3 by adding the limitation of the patentable claim 13 thereinto, rendering the rejections of claims 1, 3, and 8 moot. Hence, the claims 1, 3, and 8 are placed in *prima facie* condition for allowance.

If independent claims 1, 3, and 8 are allowable over the prior art of record, the dependent claims 2, 11 and 12 of the independent claim 1, the dependent claims 4-7 of the independent claim 3, and the dependent claim 9 of the independent claim 8 are allowable as a matter of law, because these dependent claims contain all features of their respective independent claims 1, 3 and 8. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

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CONCLUSION

For at least the foregoing reasons, it is believed that the pending claims 1-9 and 11-12 are in proper condition for allowance and an action to such effect is solemnly assured. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is gratefully invited to call the undersigned.

Respectfully submitted,

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